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HOUSE BILL 951 By
Tidwell

SENATE BILL 839
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, relative to water quality control.

WHEREAS, the General Assembly finds that maintenance of creeks and streams traversing and bordering agricultural and forestry lands within the State is essential to good soil conservation and to the preservation of crops and timber and the protection of public and private bridges, roads, homes, schools, and businesses; now, therefore;

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-120(g), is amended by redesignating the existing language thereof as subdivision (1) and adding the following sentence at the end of the subdivision:

An agricultural or forest activity shall specifically include the use of the most practical equipment to remove downed trees, debris, gravel and sandbars from creeks, streams and ditches, excluding rivers, that traverse or border any agricultural or forestry lands, and any activity designed to return such creeks and streams to their original channels when appropriate.

SECTION 2. Tennessee Code Annotated, Section 69-3-120(g), is further amended by adding the following new subdivision:

(2) Each county legislative body shall establish a boards of control to oversee and regulate any agricultural or forestry lands maintenance activities proposed to be performed in such creeks, streams, and ditches, excluding rivers, within their geographical boundaries. Such boards of control shall consist of five (5) members appointed by the county executive and approved by the county legislative body for a term of four (4) years. The members shall be residents of the county and shall own forestry or agricultural lands in the county. The board shall elect a board chairman and a secretary. The secretary shall record all stream maintenance activities approved or initiated at each meeting. The board shall initiate the terms and conditions and policy necessary for its county operation of the stream maintenance activities. The board shall meet at the call of the board chairman as often as necessary to properly process the stream maintenance applications submitted by the landowners.

Each county shall initiate its own enforcement policy on stream maintenance activities to include administrative or legal action, as appropriate.

In the event a county should encounter a point source discharge of a pollution substance into a stream, the board of control established pursuant to this act shall take the necessary corrective action deemed necessary.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring

it.